

## Note No. 10

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of Tonga and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services, and related training, including pursuant to the United States International Military and Education Training Program, from the United States of America to the Kingdom of Tonga pursuant to the Foreign Assistance Act of 1961, or successor legislation.

In accordance with these discussions, it is proposed that the Kingdom of Tonga agree:

A. That unless the consent of the Government of the United States of America has been first obtained the Kingdom of Tonga shall not:

(2)

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Kingdom of Tonga:

(II) Transfer or permit any officer, employee or agent of the Kingdom of Tonga to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles or related training, including training materials, or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

(3)

C. That the net proceeds of the sale received by the Kingdom of Tonga in disposing of, with priority written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from such defense article, shall be paid to the Government of the United States of America;

D. That the Kingdom of Tonga shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; that it shall, as the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Kingdom of Tonga, and

(4)

E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Ministry of Foreign Affairs note stating that the foregoing is acceptable to the Kingdom of Tonga shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Government of the Kingdom of Tonga the assurances of its highest consideration.



(5)

Embassy of the United States of America,

Suva, 16 March, 2006

F.5/3/6

The Ministry of Foreign Affairs of the Kingdom of Tonga presents its compliments to the Embassy of the United States of America and acknowledges receipt of the Embassy's Note No. 10, dated 16 March 2006, which reads as follows:

"A. That unless the consent of the Government of the United States of America has been first obtained the Kingdom of Tonga shall not:

(i) Permit any use of such defense articles, related training, including: Training materials, or other defense services by anyone not an officer, employee or agent of the Kingdom of Tonga;

(ii) Transfer or permit any officer, employee or agent of the Kingdom of Tonga to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(iii) Use or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles or related training, including training materials or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of the sale received by the Kingdom of Tonga in disposing of, with priority written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from such defense article, shall be paid to the Government of the United States of America;

D. That the Kingdom of Tonga shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Kingdom of Tonga, and

E. That the Government of the United States of America may also, from time to time, make the provision articles, services, and related training furnished under authority (except the United States Arms Export Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)”

The Ministry of Foreign Affairs of the Government of the Kingdom of Tonga has the honor to confirm that the proposals set forth in the Embassy’s note are acceptable to the Government of the Kingdom of Tonga and that the Embassy’s note and this note in reply shall constitute an agreement between the two governments which shall enter into force on this date.

The Ministry of Foreign Affairs of the Kingdom of Tonga avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Nuku’alofa, 24 August 2006

Embassy of the United States of America  
SUVA

